

In The United States District Court
For The Southern District of West Virginia
Beckley Division

Joseph Marion Head junior
Movant And Plaintiff

VS

United States Of America,
And State Of North Carolina,
And The Employees Of Each,
To Which The Herein Relates
And Applies To And May Be
Applied To Relating Hereto.
Respondents And Defendants

Case No. 2:04-0500

FILED

MAY 20 2004

TERESA L. DEPPNER, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

Jurisdiction

The Court has jurisdiction herein, pursuant to the provisions of Laws and constitution and Human Rights, as applies and as may be applied relating hereto To include Tort and domestic laws and all Criminal and civil laws To include 18 U.S.C. 1201 Etc. Laws.

Plaintiff

Plaintiff herein is Joseph Marion Head junior, Prison Number 17549-0506, who is a Caucasian male, born December Second 1946, Gastonia, North Carolina of The United States Of America, who is presently housed in N-4 Cell 423 of Federal Medical Center Danvers, Post Office Box 879, Ayers, Ma. 01432.

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Defendant

Defendant and Respondent herein is The United States of America And The State of North Carolina And The Employees of Each Defendant To Which The Herein Relates And Applies To and May Be Applied To Relating Hereto.

David L. Winn is The Warden of Federal Medical Center Devens, Post Office Box 880 Ayers, Mass. 01432.

Plaintiff respectfully moves the court to appoint Counsel hereto and for any appeal taken relating hereto.

The Court is respectfully moved to allow an appeal in forma pauperis from any and all opinions, judgments, orders of this court to the prejudice of plaintiff and denying relief and or release. Further Notice of appeal is not necessary and should not be required by this court.

Maximum Criminal, Civil, Tort, Damages, Relief and Release is Demanded Pro Se By Plaintiff Himself.

Grounds Presented Pro Se By By The Plaintiff Himself Pro Se.

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Ground No. (1)

The Grand Jury And Magistrate falsely accused and falsely charged Morant of violating a federal law, because they had no proof of what they said in their statement of the offense. In the warrant for arrest and bill of indictment.

Ground No. (2)

The prosecutor failed to prove that Morant knowingly violated the federal law at the time and way he did the acts complained of.

Ground No. (3)

The prosecutor did not prove Morant nor his attorney could not state any reason why Morant did not know the federal law when he did the acts complained of.

Ground No. (4)

The jury verdicts of guilty would have been not guilty had they known that the prosecutor had to prove that Morant knowingly violated the federal laws at the time and way he did the acts complained of.

Ground No. (5)

All grounds presented To U.S.D.C. W.D.N.C. in prior petitions and motions relating to morants cases and all grounds presented to the Court of appeals, prior hereto, relating to morants Cases.

Ground No. (6)

All grounds, etc. presented to a court, etc. prior, relating to morants cases and appeals.

Ground No. (7)

Morants right to judicial protection against acts, persons, places, things that violated fundamental and/or other rights or privileges or human rights, of morant, was violated as is evident and proof within the records relating to morant and his court cases.

Ground No. (8)

Morant rights to counsel and to effective assistance of counsel was violated, before trial, at trial, post trial, at sentencing processes and on appeals. See etc. who and what, presented what, when, where, how, etc. to include, prior, present, hereinafter as applies. To Exclude as relates institutionally and medically, phy. ly, etc., prior, present and hereinafter.

Ground No. (9)

Morant's rights is and was violated pre-existing laws, rules, etc. relate and applies.

Ground No. (10)

Morant's rights to access to the courts and other rights is and was violated in that the Federal B. O. P. does not provide state law books nor persons trained in state law, to federal inmates.

Ground No. (11)

Morant's federal sentence's was imposed in violation of the laws and constitution of the United States and the court which imposed the sentences was without legal jurisdiction to do so and that the sentences was in excess of the maximum authorized by law, and further is otherwise subject to collateral attack.

Ground No. (12)

There was unnecessary and unjustifiable delay in reporting the letter's offense, to the police and had same been timely reported, the other letters would not have been written and mailed.

Ground No. (13)

The Court was without legal jurisdiction of the case and of the person of morant at the time of sentencing.

Ground No. (14)

Movant's rights to Judicial Protection Against Acts, Persons, Places and Things, 'that Violated' movant's rights and/or privileges or human rights was violated, denied and deprived of, as appears, etc. of prison and court records and persons, places and things, relating thereto and hereto.

Ground No. (15)

Movant was denied or deprived of a fair trial by a competent and impartial, jury and judge, at trial and on appeal therefrom.

Ground No. (16)

Movant's rights to humane treatment, including the right not to be subjected to cruel or inhumane or degrading punishment or treatment, is and was violated, denied and deprived of.

Ground No. (17)

Movant's rights to reply to or make correction in or to inaccurate or offensive statements, etc. is and was violated, denied and deprived of.

Ground No. (18)

Movant's rights to property is and was violated.

Ground No. (19)

Movants rights to freedom of movement of and in residence, is and was violated.

Ground No. (20)

Movants rights to equal protection of the laws, constitutions and Human Rights is and was violated.

Ground No. (21)

Movants rights to judicial protection against acts, done and not done and not done timely, that violated movants fundamental and/or other rights or privileges, was and is violated.

Ground No. (22)

Movants rights to due process of law is and was violated.

Ground No. (23)

Movants rights, not to be deprived of liberty nor property but by due process of law is and was violated.

Ground No. (24)

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Movant's rights to effective assistance of counsel was violated prior to trial at the trial, prior to sentencing and during or at the sentencing process and hearing and on appeal, as is evident of court records, and law.

Ground No. (26)

Movant was falsely accused and falsely charged in the warrant for arrest and in the bill of indictment, as is evident and proof of same by court and other records.

Ground No. (27)

Movant's rights to a speedy trial by an impartial jury and judge, is and was violated at the trial and on the appeal therefrom, as is evident and proof of same by court's records, opinions, judgments and orders.

Ground No. (28)

Movant's convictions and sentences is and was illegal or invalid and/or not proven to be legal and valid, in accordance with laws, constitutions and the rights and privileges of movant.

Ground No. (29)

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Movant's rights to counsel at trial, sentencing, on appeal was violated, as is evident and proof of same by court records.

Around No.(30)

Movant's rights to maximum, etc., compensation through a miscarriage of justice is and was violated as well for all time spent in custody from April 15th. 1974 forward.

Around No.(31)

Each and All other claims and grounds, etc. of state and federal court records and institutional records and records etc. relating to each of same, prior, present, hereinafter, As if Each And all of Same Was Related Herein in Proper Order And As Legally Asserted, Etc. Herein To Apply To Movant's State and His Federal Cases Also, As Same May Be Applied To Each And Each other and To each federal sentence of movant, and as to the upward departure and etc. relating thereto, prior, present, etc.,

Signed Joseph Marion Head Junior 17549-056 (5-15-04)
The Court will have to make and serve all required copies hereof, Movant-Plaintiff Can Not Due To His Indigence.